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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,990	11/24/2003	David G. Peot	10710/213 (PTG 1133 PUS)	3383
757	7590	07/21/2005	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			ALIE, GHASSEM	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/720,990

Applicant(s)

PEOT ET AL

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

*Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-15, drawn to a table saw having a cutting region for cutting a workpiece including a motor having a movable cutting tool for cutting a workpiece in the cutting region and a retraction system to retract the cutting tool away from the cutting region and to disengage the motor upon one or more conditions detected by a detection system, classified in class 83, subclass 58.

II. Claim 16, drawn to a table saw including a frame adapted to support a workpiece in a cutting region, a movable cutting tool supported by the frame, and a reaction system to cause the cutting tool to move out of the cutting region and to disengage driving engagement of the cutting tool, classified in class 83, subclass 62.

III. Claim 17, drawn to a table saw including a motor for driving a cutting means and a means for retracting the cutting means away from a person and causing the cutting means to stop rotating, classified in class 83, subclass 72.

VI. Claim 18, drawn to a method for retracting a cutting tool from a table saw including a step of detecting a condition between the person and cutting tool and retracting the cutting tool, classified in class 83, subclass 13.

The inventions are distinct, each from the other because:

a. Inventions VI and I are related as process and apparatus for its practice.

The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process.

(MPEP § 806.05(e)). In this case (1) applies because the process as claimed can be practiced by hand. The step of retracting the cutting tool can be done by hand instead by a retraction system as set forth in claim 1. In addition, the process as claimed can be practiced by another materially different apparatus that does not disengage the motor that drives the cutting tool upon detection of at least one or more conditions by the detection system.

b. Inventions VI and II are related as process and apparatus for its practice.

The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process.

(MPEP § 806.05(e)). In this case (1) applies because the process as claimed can be practiced by hand. The step of retracting the cutting tool can be done by hand instead of a reaction system as set forth in claim 16. In addition, the process as claimed can be practiced by another materially different apparatus that does not have a frame adapted to support a workpiece and a movable cutting tool supported by the frame.

c. Inventions VI and III are related as process and apparatus for its practice.

The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process.

(MPEP § 806.05(e)). In this case (1) applies because the process as claimed can be practiced by hand. The step of retracting the cutting tool can be done by hand instead of the reaction system as set forth in claim 16. In addition, the process as claimed can be practiced by another materially different apparatus that does not have a retracting system that causes

the cutting means to stop rotating.

d. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. The invention of Group I which includes a motor having a movable cutting tool for cutting a workpiece in the cutting region and a retraction system to retract the cutting tool away from the cutting region and to disengage the motor upon of at least one or more conditions detected by a detecting system has a separate utility such as it could be used without the frame that is adapted to support a workpiece in a cutting region, the movable cutting tool supported by the frame, and the reaction system to cause the cutting tool to move out of the cutting region and the reaction system that disengage a driving engagement of the cutting tool of the invention in Group II; conversely, the invention of Group II which includes a frame that is adapted to support a workpiece in a cutting region, a movable cutting tool supported by the frame, and a reaction system to cause the cutting tool to move out of the cutting region and the reaction system that disengage a driving engagement of the cutting tool has a separate utility such as it could be used without the motor having a movable cutting tool for cutting the workpiece in the cutting region and the retraction system to retract the cutting tool away from the cutting region and to disengage the motor upon of at least one or more conditions detected by a detecting system of the invention in Group I. See MPEP § 806.05(d).

e. Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. The invention of Group I which includes a motor having a movable

cutting tool for cutting a workpiece in the cutting region and a retraction system to retract the cutting tool away from the cutting region and to disengage the motor upon of at least one or more conditions detected by a detection system has a separate utility such as it could be used without the means for retracting the cutting means away from a person and causing the cutting means to stop rotating of the invention in Group III; conversely, the invention of Group III which includes means for retracting of cutting means away from a person and causing the cutting means to stop rotating has a separate utility such as it could be used without the motor having a movable cutting tool for cutting a workpiece in the cutting region and the retraction system to retract the cutting tool away from the cutting region and to disengage the motor upon of at least one or more conditions detected for driving the cutting tool upon of at least one or more conditions detected by a detection system of the invention in Group I. See MPEP § 806.05(d).

f. Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. The invention of Group II which includes a frame that is adapted to support a workpiece in a cutting region, a movable cutting tool supported by the frame, and a reaction system to cause the cutting tool to move out of the cutting region and the reaction system that disengage a driving engagement of the cutting tool has a separate utility such as it could be used without the means for retracting the cutting means away from a person and causing the cutting means to stop rotating of the invention in Group III; conversely, the invention of Group III which includes means for retracting the cutting means away from a person and causing the cutting means to stop rotating has a separate utility such as it could be

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used without the frame that is adapted to support a workpiece in a cutting region, the movable cutting tool supported by the frame, and the reaction system to cause the cutting tool to move out of the cutting region and the reaction system that disengage a driving engagement of the cutting tool of the invention in Group II. See MPEP § 806.05(d).

2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their divergent subject matter, restriction for examination purpose as indicated is proper.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor or at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR. 1.143).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

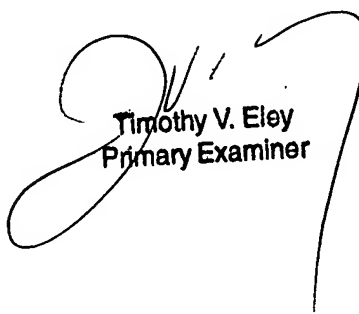
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

GA/ga

July 18, 2005



Timothy V. Eley  
Primary Examiner